

SUBJECT: Technical Advisors in AIDS, Child Survival and Population ("TAACS")

NEW MATERIAL: This is a revision of the General Notice issued April 12, 1995 as well as the original April 12, 1995 General Notice. In the revision, the answer to question 5 - What can TAACS do - has been revised to include certain limitations on the duties that can be assigned.

EFFECTIVE DATES: May 12, 1995, and April 12, 1995

POLICY

USAID/GENERAL NOTICE
G/PHN
05/12/95

SUBJECT: Technical Advisors in AIDS, Child Survival and Population ("TAACS"). This is a revision of the General Notice issued April 12, 1995. The answer to question 5 - What can TAACS do - has been revised to include certain limitations on the duties that can be assigned. For ease of reference, the rest of the Notice of April 12 has been repeated.

With the increased use of TAACS, there have been questions about their duties, allowances and benefits and other administrative matters. G/PHN together with GC and M have attempted to respond to the most commonly asked questions. This notice repeats existing policy and provides consistent guidance on ALL TAACS. It replaces all previous guidance on the use of TAACS.

Policy: Program funds are used to obtain the personal services of Technical Advisors in AIDS, Child Survival and Population (TAACS) from other government agencies, State governments, institutions of higher learning and private voluntary organizations (PVOs) for population, health, child survival or HIV-AIDS activities. TAACS may be assigned direct-hire duties as described below and receive allowances and benefits equivalent to those given direct-hire employees.

1. What is the legal authority? The authority for TAACS is a section entitled "Family Planning, Child Survival and AIDS Activities" in the USAID appropriations act. It appropriates a specific amount of program funds for TAACS. It was originally enacted in the FY 87 act and has been reenacted in subsequent appropriations acts. In the FY 95 appropriations act the TAACS authority is section 522 and appropriates up to \$8,000,000 of program funds. It authorizes the use of program funds for the personal services of individuals from other government agencies, State governments, institutions

of higher learning and private voluntary organizations (PVOs) for population, health, child survival or HIV-AIDS activities.

2. Do TAACS count against USAID personnel ceilings? They do not count against USAID's personnel ceilings and, prior to FY 95, they did not count against the personnel ceiling of the supplying government agency. FY 95-funded USG TAACS will count against the personnel ceiling of the supplying government agency but will continue to not count against USAID ceilings. They do count against National Security Directive (NSD)-38 overseas ceilings.

3. How are TAACS hired? In the past, most TAACS were from other government agencies and, therefore, were already Government employees and received benefits, allowances, etc. on the same basis as a Government employee under a PASA or RSSA. Now most are coming from PVOs. Unlike a traditional personal services contract which is a contract directly with the individual, the TAACS contracts are with the parent institution of the PVO TAACS.

4. What is the relationship created between a PVO TAACS and USAID?

a. Since TAACS render personal services to the agency there is an employer-employee relationship with USAID. In this respect, the basic relationship is similar to that under a Personal Services Contract (PSC) or an assignment under the Intergovernmental Personnel Act (IPA).

b. At the same time, TAACS continue to have employment relationships with their parent institution and the parent institution's salary, promotion and leave policies continue to apply unless the USAID-PVO contract provides otherwise. However, because of the personal services nature of their relationship with USAID, TAACS are not considered "USAID contractors" or "USAID contractor employees."

c. PVO TAACS are not Foreign Service (FS) or General Schedule (GS) employees (commonly-referred to as "direct-hire employees") because they are not appointed under the Foreign Service Act or the civil service laws.

5. What can TAACS do?

TAACs may be assigned both program and OE (including inherently governmental) duties even though they are program funded, except that TAACS:

(a) may not supervise USAID direct-hire employees except as provided for under the provisions of Handbook 12, Attachment G. as pertains to employees from other Government agencies and Handbook 25, Chapter 22G.2.c. as pertains to IPAs.

(b) may not participate in the analysis of, or have access to, the cost and

financial data of organizations with whom their organization could be in competition. They may, however, participate in the analysis of technical proposals, discussions concerning technical proposals and evaluation of projects where their organization has not and does not intend to compete.

6. When assigned overseas what allowances and benefits do PVO TAACS get?

a. Because they have an employment relationship with the agency, USAID provides the following to TAACS on the same basis as direct-hire employees:

- (1) Pouch and APO privileges as U.S. citizen Government employees.
- (2) Post medical facilities as U.S. citizen Government employees.
- (3) Commissary and packaged duty-free goods privileges as U.S. citizen Government employees.
- (4) Official or diplomatic passports as U.S. citizen Government employees.
- (5) Guard services, transportation and other Mission logistic support provided to USAID employees.
- (6) Tax-free duty status and other privileges and immunities accorded USAID employees by the host government.
- (7) Representation expenses.

b. TAACS also receive housing, education, separate maintenance, transfer, travel, consumable, and other allowances and benefits. These can be provided directly to the TAACS by the Mission or under the contract with USAID reimbursing the parent institution for the costs of the allowances and benefits. When allowances or benefits are reimbursed under the terms of the contract, the coverage is governed by the terms of the contract. It is USAID policy to negotiate contracts that provide TAACS with the same benefits and allowances as direct-hire employees.

7. What don't they get? Because they are not employees under the civil service laws or the Foreign Service Act, PVO TAACS are not covered by the:

- a. FERS or FSRs retirement systems.
- b. Federal Employees Health Benefits Program administered by OPM.
- c. Federal Employees Life Insurance Program administered by OPM.

8. What about conflict of interest, procurement integrity and other restrictions?

a. This is an exception to the general rule that TAACS are employees of USAID. Private sector TAACS are not Government employees for purposes of financial disclosure, standard of conduct and conflict of interest statutes and regulations or the Hatch Act. However, under terms of the contracts, TAACS are subject to the standard of conduct regulations. Thus, for example, a TAACS may not participate in a matter that would affect his or her parent institution.

b. Similarly, PVO TAACS are not subject to the provisions of the procurement integrity law and regulations applicable only to a "Government employee or officer", e.g., the post-employment provisions. However, there are provisions applicable to individuals other than Government employees, e.g., disclosure of procurement-sensitive information, that PVO TAACS are subject to.

9. Do TAACS need security clearances?

Yes.

10. Can TAACS use frequent-flier benefits for their own benefit?

No. Frequent-flier benefits attributable to USAID-financed travel are the property of USAID and can only be used in the same manner as by direct-hires.

11. How can I get a TAACS for my office or bureau and who can answer my questions about TAACS?

The central point of contact is the TAACS Coordinator, G/PHN/HN, Room 1200 SA-18, PHONE (703)875-4714, FAX (703)875-4686. All TAACS assignments must be approved by the TAACS Coordinator.

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1. What is the legal authority? The authority for TAACS is a section entitled "Family Planning, Child Survival and AIDS Activities" in the USAID appropriations act. It appropriates a specific amount of program funds for TAACS. It was originally enacted in the FY 87 act and has been reenacted in subsequent appropriations acts. In the FY 95 appropriations act the TAACS authority is section 522 and appropriates up to \$8,000,000 of program funds. It authorizes the use of program funds for the personal services of individuals from other government agencies, State governments, institutions of higher learning and private voluntary organizations (PVOs) for population, health, child survival or HIV-AIDS activities.
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c. PVO TAACS are not Foreign Service (FS) or General Schedule (GS) employees (commonly-referred to as "direct-hire employees") because they are not appointed under the Foreign Service Act or the civil service laws.

5. What can TAACS do?

a. TAACS may be assigned direct-hire functions. TAACS may be assigned both program and OE (including inherently governmental) duties even though they are program-funded. They can be assigned to management positions, e.g., Chief of PHN division in a Mission. They can represent USAID and supervise, rate and review USAID employees. They have the same access to sensitive procurement and budgetary information as direct-hire employees.

b. There may be specific exclusions to the general policy that TAACs can perform direct-hire functions. An example is Mission EER review panels. Under HB 25, Ch.40, membership on these panels is limited to FS employees.

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POINT OF CONTACT: Dale Gibb, G/HPN/HN, 202-712-0753.

drcd11 (revised ads17)